

Defendants”), defendants in this action. I respectfully submit this declaration in support of the EMB Defendants’ Motion to Dismiss the First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil for failure to state a claim upon which relief may be granted.

2. A copy of the First Amended Complaint is attached hereto as Exhibit A.

WHEREFORE, defendants EMB Contracting Corp., Michael Batalias, and Elisavet Batalias respectfully request that this Court grant their Motion to Dismiss the First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and for such other and further relief as this Court may deem just and proper.

Executed on: February 13, 2012

PECKAR & ABRAMSON, P.C.
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